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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,087	03/11/2004	Koji Kobayashi	04536.032001	6040
22511	7590	10/03/2008	EXAMINER	
OSHA LIANG L.L.P. TWO HOUSTON CENTER 909 FANNIN, SUITE 3500 HOUSTON, TX 77010			DANG, HUNG Q	
			ART UNIT	PAPER NUMBER
			2621	
			NOTIFICATION DATE	DELIVERY MODE
			10/03/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/798,087	Applicant(s) KOBAYASHI, KOJI	
	Examiner Hung Q. Dang	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 08/01/2008 have been considered but they are not persuasive.

At page 5, Applicant argues that “Hamada is silent regarding either storing disk position information or retrieving stored position information, exclusively, depending on the state of reproduction.” In response, the Examiner respectfully submits that the feature of “either storing disk position information or retrieving stored position information, exclusively, depending on the state of reproduction” is not a limitation of the claim language. Instead, Applicant seems to assert that the combination of Hamada and Wang discloses the limitations of “wherein in the case where the marker input unit accepts the marker input while the data recorded on the disk is being reproduced by the data reproduction unit, the marker number input unit accepts the marker number which is selected from the plurality of marker numbers displayed on the display device, and the information storage unit stores, in association with the selected marker number, information of a position of reproduction on a disk being reproduced at the time point of the marker input; and wherein in the case where the marker input unit accepts the marker input while the data recorded on the disk is not being reproduced, the display device displays the plurality of marker numbers and disk position information associated with the plurality of marker numbers.” However, the Examiner believes that the combination of Hamada and Wang discloses those features.

First, Hamada discloses an information storage stores information of a position of reproduction on **a disk being reproduced** in said disk reproduction unit by book-marking in [0142]-[0145], and [0115]. Wang discloses wherein in the case where the marker input unit accepts the marker input while the data recorded **on the disk is being reproduced** by the data reproduction unit, the marker number input unit accepts the marker number which is selected from the plurality of marker numbers displayed on the display device in Fig. 1 and in column 1, lines 24-50. Therefore, the combination of Hamada and Wang clearly discloses the feature of “wherein in the case where the marker input unit accepts the marker input while the data recorded **on the disk is being reproduced** by the data reproduction unit, the marker number input unit accepts the marker number which is selected from the plurality of marker numbers displayed on the display device, and the information storage unit stores, in association with the selected marker number, information of a position of reproduction on a disk being reproduced at the time point of the marker input.”

The feature of “wherein in the case where the marker input unit accepts the marker input while the data recorded on the disk is not being reproduced, the display device displays the plurality of marker numbers and disk position information associated with the plurality of marker numbers” is clearly disclosed by Wang again in Fig.1 and column 1, lines 24-50.

Also at pages 5-6, Applicant argues neither Hamada nor Wang discloses “the same marker input” trigger the storing or retrieving. In response, the Examiner respectfully disagrees as the marker input unit can take the form of multiple input

devices. So in either Hamada or Wang, the marker input unit may comprises the remote controller, the keyboard including keys for operator to operate on to bookmark or select to replay the selected scenes or pictures marked with the bookmarks, and the controlling interface described in the references. Therefore, any action acted upon these input devices can be considered acted upon the marker input.

For that reason, the rejections stand as previously presented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada et al. (US 2002/0135608) and Wang (US Patent 6.501.902).

Regarding claim 1, Hamada et al. disclose a disk reproduction apparatus ([0022]; [0097]) comprising: a data reproduction unit configured to reproduce data recorded on a disk ([0142]; [0097]); a marker input unit configured to accept a marker input ([0129]); a marker display unit configured to cause a display device to display a plurality of marker ([0129]); a second input unit configured to accept input of information selecting one marker from said plurality of markers displayed at said display device ([0142]; [0126]; [0131]); an information storage unit configured to store information of a position of reproduction on a disk being reproduced in said disk reproduction unit ([0142]; [0145]; [0115]); a thumbnail generation unit configured to generate a thumbnail image of a still

picture at the position of reproduction on said disk ([0142]; [0143]; [0144]); and a thumbnail display unit configured to cause said display device to display the thumbnail image generated by said thumbnail generation unit ([0129]; [0164]); wherein in the case where the marker input unit accepts the marker input while the data recorded on the disk is being reproduced by the data reproduction unit, the information storage unit stores, in association with the selected marker number, information of the position of reproduction on the disk being reproduced at the time point of the marker input ([0142]; [0145]; [0115]);

However, Hamada et al. do not disclose a marker number input unit configured to accept input of information selecting one marker number from said plurality of marker numbers displayed at said display device; wherein in the case where the marker input unit accepts the marker input while the data recorded on the disk is being reproduced by the data reproduction unit, the marker number input unit accepts the marker number which is selected from the plurality of marker numbers displayed on the display device; and wherein in the case where the marker input unit accepts the marker input while the data recorded on the disk is not being reproduced, the display device displays the plurality of marker numbers and disk position information associated with the plurality of marker numbers.

Wang discloses a marker number input unit configured to accept input of information selecting one marker number from said plurality of marker numbers displayed at said display device (Fig. 1; column 1, lines 24-50); wherein in the case where the marker input unit accepts the marker input while the data recorded on the

disk is being reproduced by the data reproduction unit, the marker number input unit accepts the marker number which is selected from the plurality of marker numbers displayed on the display device (Fig. 1; column 1, lines 24-50); and wherein in the case where the marker input unit accepts the marker input while the data recorded on the disk is not being reproduced, the display device displays the plurality of marker numbers and disk position information associated with the plurality of marker numbers (Fig. 1; column 1, lines 24-50).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the marker number input disclosed by Wang into the disk reproduction apparatus disclosed by Hamada et al. to enhance the user interface of the apparatus because at least, it shows the number of selected markers and the order of their creations.

Regarding claim 2, see the teachings of Hamada et al. and Wang as discussed in claim 1 above. Further, Hamada et al. also disclose said data reproduction unit causes said display device to display a picture of the data to be reproduced ([0142]) while Wang discloses said marker display unit displays the plurality of marker numbers at an area on a display region of said display device (Fig. 1; column 1, lines 35-40).

Regarding claim 3, Wang also discloses a reproduction control unit configured to cause a data reproduction unit to execute a reproduction operation from a position of reproduction on a disk associated with information of said selected marker number in a information storage unit in response to input to a marker number input unit (column 1, lines 35-43).

Claim 4 is rejected for the same reason as discussed in claim 1 above.

Claim 5 is rejected for the same reason as discussed in claim 2 above.

Claim 6 is rejected for the same reason as discussed in claim 3 above.

Regarding claim 7, Wang also disclose generating, in association with the selected marker number, a thumbnail image of a still picture of the position of reproduction on the disk at the time point of the marker input, wherein the disk position information includes the thumbnail image (Fig. 3; Fig. 4; column 2, lines 1-15, 22-31).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is (571)270-1116. The examiner can normally be reached on IFT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621